

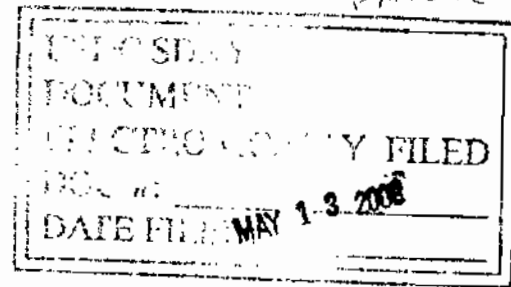
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
-----X  
STOREY CONSTRUCTION INC.,

Plaintiff,

-against-

M&I MARBLE WORKS LTD., d/b/a  
MARBLE SOLUTIONS,

Defendant.  
-----X



08 Civ. 00976 (GBD)

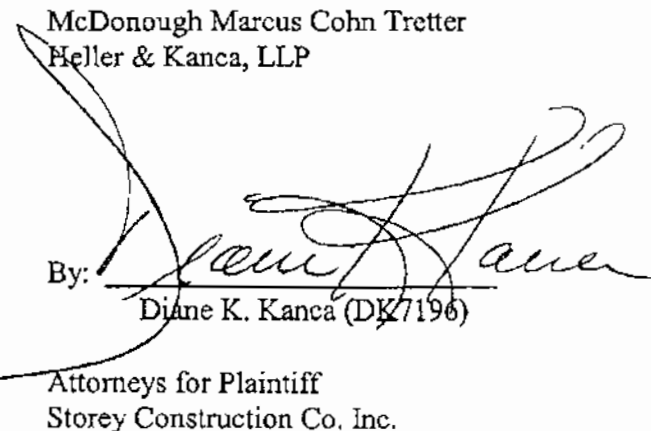
**NOTICE OF VOLUNTARY  
DISMISSAL**

PLEASE TAKE NOTICE, that the above-entitled action is hereby dismissed  
without prejudice, pursuant to Rule 41 (a) (1) (A) (i) of the Federal Rules of Civil Procedure.

Dated: Westchester, New York  
May 12, 2008

Respectfully Submitted,

McDonough Marcus Cohn Tretter  
Heller & Kanca, LLP

By:   
Diane K. Kanca (DK7196)

Attorneys for Plaintiff  
Storey Construction Co. Inc.  
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To:

Michael J. Siris  
Solomon & Siris, PC  
50 Charles Lindbergh Blvd.  
Suite 505A  
Uniondale, NY 11553  
(515) 228-9350  
Fax (515) 228-4305

**SO ORDERED**

Date: May \_\_, 2008

MAY 13 2008

  
Hon. George B. Daniels

**HON. GEORGE B. DANIELS**

**AFFIDAVIT OF SERVICE BY FEDERAL EXPRESS AND U.S. MAIL**

STATE OF NEW YORK                    )  
COUNTY OF WESTCHESTER        )ss.:

**PILAR ORTIZ**, being duly sworn, deposes and says that deponent is not a party to the action, is over 18 years of age and resides in Bronx, New York That on the 12<sup>th</sup> day of May 2008, deponent served the within **NOTICE OF VOLUNTARY DISMISSAL** via First Class Mail and Federal Express upon:

Michael J. Siris  
Solomon & Siris, PC  
50 Charles Lindbergh Blvd.  
Suite 505A  
Uniondale, NY 11553  
(515) 228-9350

by depositing a true copy of same enclosed in a postpaid properly addressed wrapper in an official depository box under the exclusive care and custody of the United States Post Office Department within the State of New York as well as in a properly addressed wrapper in an official depository under the exclusive care and custody of Federal Express.

  
**PILAR ORTIZ**

Sworn to before me this  
12<sup>th</sup> day of May 2008

  
Notary Public

EUGENE H. GOLDBERG  
NOTARY PUBLIC STATE OF NEW YORK  
NO. 02604648712  
QUALIFIED IN NASSAU COUNTY  
COMMISSION EXPIRES MARCH 30, 2009